

Presidential prerogative

Why the hoopla?

IT would not be wrong to suggest, reading the statements emanating from both the AL and the BNP, related to the granting of Presidential pardon to a convicted murderer, that a good deal of them are misleading. There have been comments justifying as well as criticizing the act of pardon. However, what one finds quite reprehensible is quoting of precedents by the AL in justifying the act on the one hand, while the BNP, on the other hand, quite unwilling to draw any similarity with an oft-quoted pardon granted to a fugitive by it during the BNP's tenure in office in 2005, terming that as fully constitutional.

We had commented on the issue of presidential pardon on July 22 in this very column, and we are constrained, given the importance of the matter, to revisit the issue once again.

The president has exercised his prerogative to mercy as per the constitution and he has done it on the government's recommendation. It goes without saying that such a provision demands that the privilege is exercised most prudently and that those in the government and the president apply their judicial mind. Presidential prerogative is meant to be exercised as an exception and not as matter of common practice, as seems to have been done.

The recent episode has besmirched a pristine institution, that of the office of the President. The ministerial justification appears rather puerile and appears to be a futile effort to defend an indefensible position.

By not waiting for the process of justice to run its course, since the matter was still pending with the Appellate Division, the process of justice has been subverted inexorably. And the rule of law has been mercilessly trampled by the fact that the government did not seek a retrial of the case even after having apparently come by evidence of extraneous pressures to influence the trial process, according to the state minister for law.

What is most regrettable is that the office of the president which had become fairly controversial has been made even more so by the recent act of pardon.

While efforts should have been to keep the office and the person of the President above all controversies, instead, both are being dragged further into partisan dispute.

Rising rivers, vanishing homesteads

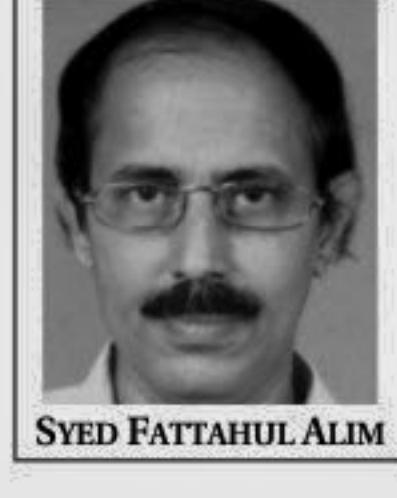
Long term protection measures needed

EROSION of homesteads and croplands, indeed of whole villages, by fast flowing and rising rivers continues to be a major problem in Bangladesh. It is inevitable, especially in the monsoon season, that rising rivers will threaten lives and land. But what cannot be a fait accompli is the idea that erosion by rivers will go on playing havoc with lives year after year. Measures for securing the rivers, especially through the construction of proper embankments and dykes, should have been in place long ago. That we still go for ad hoc steps to hold our rivers back from flowing further inland is a sad commentary on what governments have not done over the decades.

We have just been informed that further erosion by the river Jamuna has been halted at Hard Point of Sirajganj town. That is somewhat a matter of relief. Even so, since the middle of this month, the Jamuna has claimed 175 metres of the town protection embankment. The surprising part of the tale is that the embankment was built in 1997 with a guarantee of a hundred years. Obviously, something has gone wrong with the guarantee and with the embankment, with the result that the administration is now scrambling to arrest the onrush of waters by dumping 24,000 stone blocks and 26,000 sandbags into the river. On the other hand, local people are convinced that funds misappropriation has undermined the protection scheme.

The Jamuna apart, it is now the Teesta and Dharla rivers which have in the past week swallowed up whole homesteads in Lalmonirhat and Kurigram. With 300 families suddenly without homes, it makes sense to ask for long-term, concrete measures toward taming our rivers. When embankments have warded off erosion in places like Europe, there is little reason why we cannot see the same happening in Bangladesh.

Social resistance growing against lawlessness



SYED FATTAHUL ALIM

ABOUNT a week after the tragic killing of six students by a mob in Aminbazar of Savar, the police seem to have swung into action. But why

have the police been so slow to act? Why have they, like the local people, been calling the lynching victims robbers?

Similar incidents of mob lynching have been taking place with impunity in the capital city as elsewhere in the country for long. A report carried by the media immediately after Aminbazar tragedy on July 18 said that some 23 youths have been killed by lynch mobs during the last 18 months in the country.

What is important to note here is that the victims were all youths. And in most cases they drew the wrath of the mob on mere suspicion of being purse snatchers, robbers or terrorists. As it happens in such cases, reason and rationality take a back seat. The blood-thirsty mob falls on the victims with such vehemence that they find no scope to say anything in their self-defence.

Such tragedies are happening day in, day out in different parts of the country. Do we have any correct statistics on how many cases of such gratuitous killings have taken place, say, in the last one decade? Perhaps, we will never know how many innocent youngsters had to die in this manner. And such deaths will never stop until and unless the law-enforcing agencies steps in to ensure that mobs are under no circumstances able to take law into their own hands and commit such barbarity.

Surprisingly, hardly ever do the

onlookers or the common people in general care to show any sympathy for such victims. Is it then surprising that such senseless outrage takes place at the slightest provocation, and those who participate in the brutality can get away with impunity?

Sometimes the police prefer to look away when such violence takes place in their presence. As in the case of the Aminbazar carnage, the only survivor, Al Amin, told the media that some plainclothes police were present when

nothing very serious to worry about? In that case, what is then the need for maintaining the law-enforcement department under the state, if the mob has the freedom to take care of the law?

The way the media and the entire nation have stood as one to condemn the killing at Aminbazar and demanded punishment to the perpetrators of the massacre, there is reason to feel assured. It demonstrates that the members of the public are no longer willing to remain passive onlookers of such

About the police inaction in the above case, the people have been highly critical. At the same time, unlike what they would usually do in the past, now they are also not ready to show any leniency towards the Aminbazar lynch mob either. They are now trying to say that enough is enough and are developing social resistance against these kinds of lawless acts by the mobs.

the real life tragedy was being enacted there. What held the police back from preventing the unfortunate incident is anybody's guess. And even if we assume that the plainclothes police reached the spot after the mob lynching of the youths had begun, then why didn't they intervene to disperse the mob from committing the terrible act?

The story of the police's non-committal role does not end here. There were even instances in the past, when the police tried to dismiss such brutal incidents as the spontaneous outburst of the people's wrath on the criminals. Put differently, does that mean to say that whatever the mob has done to establish its own style of "justice" is

senseless mob violence.

In a civilised society, the citizens are law-abiding. To be law-abiding means they have full confidence in the law of the land. As such, they leave the matter of maintaining law and order to the law-enforcing agencies of the state. In sharp contrast to this, the very fact that in Bangladesh the mobs often take law into their own hands, also betrays their lack of trust in the law-enforcing organs of the state.

Now the citizens have been reacting differently by way of their vehement protests against the Aminbazar carnage and asking the police to take action against its perpetrators. Does it mean that the citizens are now satisfied with

the way the law-enforcing bodies have been looking after law and order?

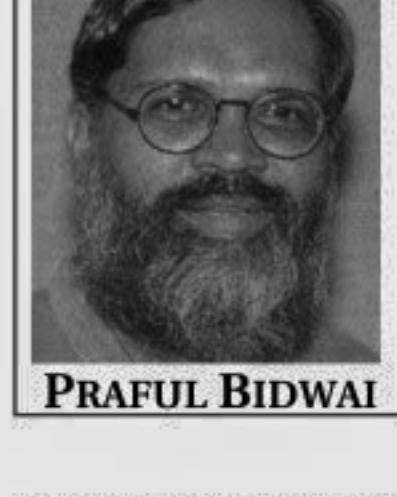
Not in the least, because the citizens' recent experiences about the behaviour of the law-enforcers when on different occasions they tried to exercise their democratic rights like holding demonstrations on the street have not been very pleasant. In fact, they have no reason to be trustful of the law-enforcers. On the contrary, to their dismay they have witnessed how the law-enforcers are acting as the surrogates of the party in power? They have been using their truncheons and other lethal weapons against demonstrating citizens at the slightest provocation. And whenever asked by the media about why they behave in that manner they either try to put the blame on the demonstrating public or hide under the excuse that there were instructions from above.

Whatever the reason, the public never came across any dearth of enthusiasm among the law-enforcers to use disproportionate force against the public trying to give vent to their legitimate grievances. Oddly though, during the incidents the same law-enforcers become rather listless. And where did their enthusiasm to restore law and order go when the mob was mercilessly beating up the students at Aminbazar?

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Lessons for our media



PRAFUL BIDWAI

WHAT began as a limited crisis in the Rupert Murdoch-owned and now-closed News of the World (NOTW) tabloid in Britain

has grown into a tempest which threatens media behemoth News Corporation.

The 10 arrests -- including that of News International CEO Rebekah Brooks and Dow Jones head Les Hinton -- and the resignation of the London Metropolitan police commissioner, have shocked British society and could politically singe Prime Minister David Cameron.

The crisis was triggered by allegations that NOTW paid the police for information and also hacked into the voicemail accounts of celebrities and people whose relatives had suffered grave tragedies. Soon, Andy Coulson, the NOTW editor responsible for the hacking and Cameron's communications chief, was arrested, as was former NOTW deputy editor and public relations adviser to Scotland Yard Neil Wallis.

Scotland Yard chief Paul Stephenson resigned for hiring him in 2009 and, while resigning, said: "Unlike Mr. Coulson, Mr. Wallis had not resigned from NOTW, nor ... been in any way associated with the original phone-hacking investigation." This compromised Mr. Cameron and highlighted the double standards being applied to his office and the Metropolitan police.

Mr. Stephenson's resignation was considered honourable. But Mr. Cameron's reputation has suffered, after as-yet-unsubstantiated allegations that Ms. Brooks had lobbied him to appoint Mr. Coulson as the Conservatives' communications director.

This crisis has reached the Murdoch empire's apex. Journalists who worked for Ms. Brooks, NOTW editor (2000-2003) and close Murdoch confidante,

describe the work as "dubious information-gathering, [with] reporters under intense pressure ... to land exclusive stories ... and a culture of fear, cynicism ... and fierce internal competition."

A former reporter says: "We used to talk to career criminals all the time. They were our sources. It was a macho thing: 'My contact is scummiest than your contact.' 'Mine's a murderer.'

This culture of Murdochisation is the foundation of News Corporation's \$32.8 billion global empire. Murdochisation has three components. First, the management subsumes and subordinates

Much of India's big corporate media is conservative and retrograde, and faces a serious crisis of credibility. If it does not reform itself, it will lose all authenticity, reliability and credibility, and matter only as a source of cheap entertainment.

the editorial process. Mr. Murdoch spurns concepts like freedom of expression and editorial independence and interferes in his publications on a day-to-day, headline-to-headline basis.

Second, truthfulness is held in contempt. One commentator said: "Murdoch ... publish[ed] Hitler's diaries, though he had been warned they were phony; when the hoax was exposed he shrugged it off, saying, 'After all, we are in the entertainment business.' " One of his papers carried on a "cruelly irresponsible anti-science" campaign, questioning the very existence of an AIDS epidemic in Africa.

Mr. Murdoch's practice of censorship would embarrass even dictators. His Star TV once beamed to China BBC broadcasts highly critical of corruption there. When the Chinese objected, Mr. Murdoch simply killed all BBC broadcasts to China.

Third, Murdochisation involves political lobbying, influence-peddling, and blatant anti-competition practices such as pricing one's publications below cost to capture the market. Mr. Murdoch has

paid money to political leaders, transforming the notion of acceptable news-gathering.

Like Mr. Murdoch, News Corporation is distinguished by pure aggression. As the not-too-critical Economist puts it: It "combines the heft of a big company with the scrappiness of a start-up," and believes "competitors are to be crushed."

An example of this aggression is provided by Forbes magazine's account of how News Corp subsidiary News America head Paul Carlucci inspires sales staff by showing Al Capone beat-

ing a man to death with a baseball bat in *The Untouchables*. News America Marketing recently spent \$655 million to suppress charges of corporate espionage and anti-competitive behaviour.

Murdochisation, regrettably, has spread worldwide. Many major Indian media groups practise that model -- only without Murdoch. They conflate the editorial and business functions, dumb down editorial content to titillate, and downplay news and views relevant to understanding India, South Asia and the world.

So long as news titillates, it should be sold -- through predatory pricing if not by normal means. Many Indian media conglomerates with dozens of editions and deep pockets sell newspapers which cost Rs.10 to produce at Rs.2. They are less interested in professional journalists than in shopkeepers who double as reporters and offer deals on cooking utensils to their subscribers.

Much of India's media is not geared to inform the public on the socio-economic and political processes at work in the country, including shifts in

the balance of power between groups -- leave alone promote comprehension of the dynamics that are shaping decision-making structures and India's changing relations with its neighbours and the world.

The mainstream paradigm in the Indian media, with a few honourable exceptions, is shockingly insensitive to flesh-and-blood people's concerns, especially of the poor. Its principal -- and matter-of-factly stated -- aim is to "pump sunshine" into the consumerist elite's life.

There is a major lesson for all of South Asia's media in the Murdoch empire's crisis. Murdochisation will not work, and cannot succeed, beyond a point. It won't be a surprise if News Corp is subjected in Britain to restrictions on its news-gathering and business practices.

Ultimately, Murdochisation will be damaged irreparably by its crisis of credibility. There is no substitute for the basic values of journalism -- truthfulness, accuracy and relevance in reporting, pluralism in the expression of views, and functioning with a sense of social responsibility.

The exposure of News Corporation's serious wrongdoing was driven strongly by public outrage and revulsion in Britain. In India, middle-class conscience has not been outraged enough by the illegitimate interaction between corporate interests, mainstream politics and journalists, exposed in the *Radia* tapes. Most journalists implicated in the tapes have got off lightly.

Much of India's big corporate media is conservative and retrograde, and faces a serious crisis of credibility. If it does not reform itself, it will lose all authenticity, reliability and credibility, and matter only as a source of cheap entertainment.

Journalism will then cease to be all that makes it worthy and socially relevant: an honest, investigative, analytical, public-oriented and ethical endeavour. That would be a grave tragedy and a terrible disservice to democracy.

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THIS DAY IN HISTORY

July 25

1261

The city of Constantinople is recaptured by Nicaean forces under the command of Alexios

1799

At Aboukir in Egypt, Napoleon I of France defeats 10,000 Ottomans under Mustafa Pasha.

1920

France captures Damascus.

1943

World War II: Benito Mussolini is forced out of office by his own Italian Grand Council and is replaced by Pietro Badoglio.

1969

Vietnam War: U.S. President Richard Nixon declares the Nixon Doctrine, stating that the United States now expects its Asian allies to take care of their own military defense.

2007

Pratibha Patil is sworn in as India's first woman president.